

MINUTES

The Alabama Real Estate Commission met November 30, 2007, at the Commission office at 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Gordon Henderson; Vice Chairperson Sheila Hodges; Commissioners Jewel Buford, Steve Cawthon, Bobby Hewes, Chester Mallory, Jan Morris, Dorothy Riggins and Bill Watts; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; Legal Counsel Charles Sowell; Assistant Counsel Chris Booth; Education Director Ryan Adair; Investigators David Erfman, Chuck Kelly and Phillip Bunch. Hearing Officer was Tori Adams.

The meeting having been duly noticed according to the Open Meetings Act Chairman Henderson called the meeting to order at 9:00 a.m.

Chairman Henderson recognized and welcomed guests including Sandy Crowder from Buford Real Estate Services in Tuscaloosa and Becky Hancock from Enterprise.

Commissioner Watts moved to approve the October meeting minutes as presented. Commissioner Morris seconded the motion and it passed unanimously 9-0.

The October financial statements were reviewed with no action taken.

Upon review of the recommendations from the Electronic Packets Task Force meeting, Commissioner Hodges moved that in FY 08 the Commission convert Commission packets to an electronic PDF format, that a wireless network be established in the Commission hearing room, to purchase 4-5 convertible PC's, and then in FY 09 purchase remaining equipment to complete project implementation. Commissioner Morris seconded the motion and it passed unanimously 9-0.

Commissioner Morris gave a highlighted report from the NAR meetings and the ARELLO caucus.

HEARINGS AND APPEARINGS

Alabama Real Estate Commission vs. Sonja Bovee-Partridge and Patricia M. Pressley, Formal Complaint No. 3032

Upon discussion of the evidence and testimony presented in the matter of Sonja Bovee-Partridge, Qualifying Broker, JMS Enterprises, Inc., d/b/a Exit Success Realty (former qualifying broker of TREG Property Management, Inc., LLC) and Patricia M. Pressley, Inactive Salesperson, JMS Enterprises, Inc., d/b/a Exit Success Realty (former salesperson, TREG Property Management, Inc., LLC) and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(8)a. and Section 34-27-36(a)(8)b. by failing within a reasonable time to deposit and account for funds belonging to others in a separate federally insured account or accounts located in Alabama, and by failing to properly account for at all times all funds

coming into their possession that belong to others, Commissioner Hodges moved to find Ms. Bovee-Partridge guilty and to fine her \$1000, suspend her license six months and to stay the suspension pending completion of the Commission approved 60 hour broker course. Commissioner Mallory seconded the motion and it passed unanimously 9-0.

Commissioner Hodges moved to revoke the salesperson license of Ms. Pressley. Commissioner Mallory seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission vs. Loretta Dunham Ables, Formal Complaint No. 3026

Upon discussion of the evidence and testimony presented in the matter of Loretta Dunham Ables, Inactive Salesperson, Seymour, Tennessee, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by violating or disregarding the ORDER to pay a fine of \$250. In lieu of a hearing Ms. Ables submitted an affidavit of surrender. Commissioner Watts moved to accept the license surrender from Ms. Ables. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

Thomas Mark Soutullo, Request to Renew Lapsed Salesperson's License Under Hardship, I-12,514

Upon consideration of the testimony presented and discussion of Mr. Soutullo's request to renew his lapsed salesperson's license, Commissioner Hewes moved to deny the hardship request. Commissioner Hodges seconded the motion and it passed unanimously 9-0.

Karen A. McGee, Applicant for Determination of Licensing Eligibility, I-12,480

Upon consideration of the testimony presented for determination of the licensing eligibility of Ms. McGee, Commissioner Hodges moved to deny her eligibility. Commissioner Watts seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission vs. Jeffrey Cain, Formal Complaint No. 3043

To be continued.

Stephen S. Baird, Request to Renew Lapsed Salesperson's License Under Hardship, I-12,540

Upon consideration of the testimony presented by Mr. Baird in the request to renew his lapsed license, Commissioner Hodges moved to deny the hardship request. Commissioner Buford seconded the motion and it passed unanimously 9-0.

Jerry L. Knotts, Applicant for Original Salesperson's License, I-12,542

Upon consideration of Mr. Knotts' request for an extension of time for submitting his post-license course documentation and application for the original salesperson's license, Commissioner Cawthon moved to deny the request for extension. Commissioner Hodges seconded the motion and it passed unanimously 9-0.

Thomas M. Alonzo, Applicant for Broker's License, I-12,543

Commissioner Hodges moved to deny Mr. Alonzo's request for extension. The motion died for lack of a second. Commissioner Morris moved to allow Mr. Alonzo's exam score to stand contingent upon his completing the 60 hour broker course within 120 days. Commissioner Mallory seconded the motion and it passed unanimously 9-0.

NOT APPEARING ITEMS FOR RULING

Percy Dixon, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3029

Upon discussion of the evidence and testimony presented in the matter of Percy Dixon, Inactive Salesperson, Birmingham, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a) (16) by presenting to the Alabama Real Estate Commission as payment for a fee or fine, a check which was returned unpaid by the bank upon which it was drawn, Commissioner Hodges moved to find Mr. Dixon guilty and to fine him \$100. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

Fred Darty, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3035

Upon discussion of the evidence and testimony presented in the matter of Fred Darty, Inactive Salesperson, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a) (16) by presenting to the Alabama Real Estate Commission as payment for a fee or fine, a check which was returned unpaid by the bank upon which it was drawn, Commissioner Hewes moved to find Mr. Darty guilty and to fine him \$250. Commissioner Morris seconded the motion and it passed 8-0 with Commissioner Mallory abstaining.

May S. Darty, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3036

Upon discussion of the evidence and testimony presented in the matter of May S. Darty, Inactive Salesperson, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a) (16) by presenting to the Alabama Real Estate Commission, as payment for a fee or fine, a check which was returned unpaid by the bank upon which it was drawn, Commissioner Morris moved to find Ms. Darty guilty and to fine her \$250 with disposition published in the UPDATE. Commissioner Buford seconded the motion and it passed 8-0 with Commissioner Mallory abstaining.

Theresa Morgan, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3037

Upon discussion of the evidence and testimony presented in the matter of Theresa Morgan, Temporary Salesperson, Brandt Wright Realty, Inc. d/b/a/ Century 21 Brandt Wright Realty, Inc., Wetumpka, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(16) by presenting to the Alabama Real Estate Commission as payment for a fee or fine, a check which was returned unpaid by the bank upon which it was drawn, Commissioner Hodges moved to find Ms. Morgan guilty and to fine her \$250.

Commissioner Buford seconded the motion and it passed 8-0 with Commissioner Malory abstaining.

Cheryl Shepherd, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3038

Upon discussion of the evidence and testimony presented in the matter of Cheryl Shepherd, Salesperson, Drake Realty of Greater Atlanta, Inc., Marietta, Georgia, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(16) by presenting to the Alabama Real Estate Commission as payment for a fee or fine, a check which was returned unpaid by the bank upon which it was drawn, Commissioner Hewes moved to find Ms. Shepherd guilty and to fine her \$250. Commissioner Buford seconded the motion and it passed 8-0 with Commissioner Mallory abstaining.

Jessica Murray, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3039

Upon discussion of the evidence and testimony presented in the matter of Jessica Murray, Inactive Temporary Salesperson, Millbrook, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a) (16) by presenting to the Alabama Real Estate Commission as payment for a fee or fine, a check which was returned unpaid by the bank upon which it was drawn, Commissioner Buford moved to find Ms. Murray guilty and to fine her \$250. Commissioner Morris seconded the motion and it passed 8-0 with Commissioner Mallory abstaining.

Justin Dyar, Request to Complete Broker's Course Within 90 Days of Course's Availability and Let Current Score Stand, I-12,532

Upon discussion of Mr. Dyar's request to complete the 60 hour broker pre-license course without having to retake the exam, Commissioner Hewes moved to approve Mr. Dyars request. Commissioner Mallory seconded the motion and it passed unanimously 9-0.

Tommy Ray Bozeman, Requesting to Complete Broker's Course Within 12 Months of Commissioner's Ruling and Letting Current Score Stand, I-12,526

Upon discussion of Mr. Bozeman's request to take the 60 hour broker pre-license course without retaking the exam, Commissioner Hodges moved to approve Mr. Bozeman's request contingent upon his doing so within 90 days. Commissioner Morris seconded the motion and it passed unanimously 9-0.

Lee Mitchell, Requesting Extension for Taking the Broker Examination, I-12,534

Upon discussion of Mr. Mitchell's request for additional time for taking the broker examination, Commissioner Hodges moved to approve the exam score of Mr. Mitchell. Commissioner Morris seconded the motion and it passed unanimously 9-0.

Kay M. Gilpin, Requesting to Complete Broker's Course Within 90 Days of Course's Availability and Let Current Score Stand, I-12,526

Upon discussion of Ms. Gilpin's request to be allowed to complete the broker's pre-license course without retaking the exam, Commissioner Mallory moved to approve a 90 day extension. Commissioner Hodges seconded the motion and it passed unanimously 9-0.

Christina M. Weems, Surrender of License, Formal Complaint No. 2982

Upon review of the affidavit of surrender of Ms. Weems' license, Commissioner Watts moved to accept the affidavit of license surrender from Ms. Weems. Commissioner Morris seconded the motion and it passed unanimously 9-0.

Betty J. Hughes and Hughes Properties, Inc., Request for Private for Private Reprimand, Formal Complaint No. 2999

Upon discussion of the evidence and testimony presented in the matter of Betty J. Hughes, Qualifying Broker and Hughes Properties, Inc., Huntsville, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Sections 34-27-36(a)(8)a. and 34-27-36(a)(8)b. in that Respondents failed to deposit and account for at all times all funds being held for others by having a shortage of funds in that account and Respondent's request for a private reprimand, Commissioner Hodges moved to approve the request that the disposition not be published in the UPDATE. Commissioner Riggins seconded the motion and the motion passed 7-2 with Commissioners Mallory and Watts voting no.

Tyra Franklin, Request for Additional Time for Taking Salespersons Examination, I-12,535

Upon review of Ms. Franklin's request for additional time for taking the salespersons examination, Commissioner Cawthon moved to approve the request for extension. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

Homebuilders Association of Alabama Letter

Copy provided for information as documentation of directive in previous meeting.

Willie Simmons, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3042

Upon discussion of the request for waiver of hearing and guilty plea of Willie Simmons, Salesperson, Birmingham Guaranty Realty, Inc., Birmingham, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a) (16) by presenting to the Alabama Real Estate Commission as payment for a fee or fine, a check which was returned unpaid by the bank upon which it was drawn, Commissioner Hewes moved to find Mr. Simmons guilty and to fine him \$250. Commissioner Buford seconded the motion and it passed 8-0 with Commissioner Mallory abstaining.

Krystelle Nina Geissler, Request for Dismissal of Formal Complaint No. 3044

Upon review of the evidence presented by Ms. Geissler and her bank's testimony that they were in error by returning checks payable to the Alabama Real Estate Commission, Commissioner Mallory moved to dismiss Formal Complaint #3044. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

Felisa Swift Washington, Request for Extension for Taking the Salespersons Examination, I-12,547

Upon review of Ms. Washington's request that she be given additional time for taking the salesperson's examination, Commissioner Hewes moved to approve the extension requested. Commissioner Riggins seconded the motion and it passed unanimously 9-0.

Caltonga Michael Washington, Request for Extension for Taking the Salespersons Examination, I-12,549

Upon review of Mr. Washington's request that he be given additional time for taking the salesperson's examination, Commissioner Hewes moved to approve a 90 day extension in order to pass salesperson exam. Commissioner Hodges seconded the motion and it passed unanimously 9-0.

Nancy Diane Warren, Request for Completion of Brokers Course Within 90 Days and Allowing Current Score to Stand, I-12,548

Upon discussion of Ms. Warren's request that she be allowed to complete the broker's pre-license course without retaking the exam, Commissioner Mallory moved to approve a 90 day extension to complete the 60 hour broker course. Commissioner Morris seconded the motion and it passed unanimously 9-0.

There being no further business, the Commission adjourned at 1:48 p.m.

Done this 30th day of November, 2007.

Gordon Henderson, Chairman

D. Philip Lasater, Recording Secretary